

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF)
A & B TRUCK STOP AND)
TIRE CO., INC.,)
Appellants,)
v.)
SOUTHWEST AIR POLLUTION)
CONTROL AUTHORITY,)
Respondent.)

PCHB No. 78-75

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

This matter, the appeal of an Order of Prevention issued by respondent, came before the Pollution Control Hearings Board, Dave J. Mooney, Chairman, Chris Smith, and David A. Akana (presiding), at a formal hearing in Vancouver, Washington on August 2, 1978. Appellant was represented by its attorney, Robert Harris; respondent was represented by its attorney, James D. Ladley.

Having heard the testimony, having examined the exhibits, and having considered the contentions of the parties and their post hearing briefs, the Board makes these

1 FINDINGS OF FACT

2 I

3 Appellant is A & B Truck Stop and Tire Co., Inc., located in the
4 Columbia Industrial Park at 2000 East Columbia Way, Vancouver,
5 Washington.

6 II

7 On February 27, 1978, appellant submitted a Notice of Construction
8 and Application for Approval for a tire retreading buffer with a
9 pollution control unit at its plant in Vancouver to respondent Southwest
10 Air Pollution Control Authority (SWAPCA). At the time of submission
11 of the application, the tire retreading equipment had already been
12 installed at appellant's place of business. No approval for the
13 installation had been granted by respondent.

14 III

15 At the time of submission of the application, respondent advised
16 appellant that the equipment described in the application could not be
17 approved without additional information to indicate that the system
18 incorporated advances in the state of the art of air pollution control
19 developed for the kind and amount of the air contaminant emitted by
20 appellant's equipment. Appellant was asked to submit a fan curve and
21 the method of disposition of particulates collected by its cyclone, to
22 check into availability of appropriate equipment, and to investigate
23 the feasibility of venting the cyclone discharge into the building.

24 IV

25 On March 9, 1978, SWAPCA wrote to appellant again requesting
26 additional information which it deemed necessary to evaluate the

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1 application. No additional information was submitted.

2 V

3 As a part of appellant's tire retreading operation, rubber from
4 the tread areas of old tires is stripped by a buffing machine. An
5 inflated tire is mounted on the buffing machine and a rotating rasp is
6 applied while the tire is rotating until the old rubber is removed.
7 An electronic control device is connected to the tire buffer and
8 monitors a spray of water which is directed at the point where the
9 cutting rasp contacts the tire. The tread stripping process produces
10 heat and particulate matter. The rubber tires contain high percentages
11 of petroleum which vaporizes when subjected to sufficient heat. Water
12 is used to keep the temperature of the rubber below the point where
13 petroleum is vaporized and also to cause finer particles to cling
14 together so that they can be collected more efficiently. Particles and
15 vapors are collected by a hood around the rasp and transported to a
16 vacuum-type separator cyclone where centrifugal force separates the
17 particulate matter from the exhaust stream. Thereafter, the exhaust
18 stream is discharged into the atmosphere.

19 VI

20 Appellant does not consider feasible the alternative of venting
21 the exhaust air back into the building because of cost and because it
22 believes that the amount of duct work required would cause a change in
23 back pressure.

24 VII

25 Respondent made visual readings of appellant's cyclone discharge
26 on April 25, May 25, May 30, and June 13, 1978. These emissions were

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1 found to be in violation of the opacity, but not duration, standards
2 of WAC 173-400-040.¹ Therefore, no citation was issued.

3 VIII

4 The equipment, as proposed by appellant, under optimum operating
5 conditions, will not cause visible emissions. However, appellant admits
6 that it cannot maintain optimum operating conditions continuously.

7 IX

8 Pursuant to RCW 43.21B.260, respondent has filed with this Board a
9 certified copy of its Regulation I which we notice.

10 Section 3.01 provides that no new air contaminant source be
11 established unless respondent is given appropriate notice.

12 Section 3.02 provides in part:

13 (a) Each Notice of Construction and Application for
14 Approval for the construction, installation or establish-
15 ment of a new air contaminant source, as above described,
shall be accompanied by two sets of plans which show and
describe the following:

16 (1) The equipment or control apparatus covered by the
17 Notice and Application;

18 (2) Any equipment connected, attached to, or serving
19 or served by the unit of equipment or control
apparatus covered by the Notice and Application;

20 . . .

21 (4) The proposed means for the prevention or control
22 of the emissions of air contaminant, including
sufficient information to judge the effectiveness of

23 1. WAC 173-400-040 GENERAL STANDARDS FOR MAXIMUM PERMISSIBLE
24 EMISSIONS. (1) Visible emissions.

25 No person shall cause or permit the emission for more than three
26 minutes, in any one hour, of an air contaminant from any source which at
the emission point, or within a reasonable distance of the emission point,
exceeds 20% opacity

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1 the control system.

2 (5) Additional information, evidence or documentation
3 may be required by the Board or the Control Officer
4 to show that the proposed equipment or control
apparatus will meet the emission standards as now or
hereinafter set by the Board.

5

6 Section 3.03 of respondent's Regulation I provides in part:

7 Issuance of Approval or Order:

8

9 (b) No approval will be issued unless the information
10 supplied as required by Subsection 3.02(a) evidences to the
Board or the Control Officer that:

11 (1) The equipment is designed and will be installed
12 to operate without causing a violation of the
emission standards.

13 (2) The equipment incorporates advances in the art
14 of air pollution control developed for the kind and
15 and amount of air contaminant emitted by the
equipment.

16

17 X

18 Equipment evidencing advances in the art of air pollution control
19 could achieve zero percent opacity under appellant's normal operating
20 conditions and is currently available. Such equipment includes after-
21 burners, scrubbers, dry filtration systems, and electrostatic
22 precipitators, each of which could control small particles that are not
23 captured by the existing equipment. Undisputed testimony from respondent
24 established the additional cost of such equipment to be about \$1,400 to
25 \$2,000, which amount appellant did not show to be unreasonable.

6
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XI

Respondent issued an Order of Prevention which prohibited the installation, construction or establishment of the proposed equipment, which Order is the subject matter of this appeal.

XII

Any Conclusion of Law which should be deemed a Finding of Fact is hereby adopted as such.

From these Findings the Board comes to these

CONCLUSIONS OF LAW

I

While appellant's testimony indicated that its equipment was designed to reduce emissions, evidence was not produced at the time of application or at the time of the hearing sufficient to show that such equipment incorporated "advances in the art." Evidence of "advances in the art" with respect to the kind and amount of air contaminant here involved, would be zero percent opacity. We conclude that equipment which incorporates advances in the art of air pollution control for the air contaminant here involved is readily available at a cost not shown to be unreasonable. See Weyerhaeuser v. Southwest Air Pollution Control Agency, PCHB No. 735. Readings taken on four occasions within a two-month period by respondent show that some emissions are visible. Appellant's equipment as installed does not meet the requirements of Section 3.03(b)(2). Accordingly, respondent's Order of Prevention should be affirmed as to the design proposed. Other methods besides the control equipment suggested by respondent to achieve the desired results may be available for appellant's use.

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II

In General Tire and Rubber Co. v. Southwest Air Pollution Control Authority, PCHB No. 802, SWAPCA had previously found similar tire buffing equipment to meet state of the art control for similar emissions. When results from the operation of such equipment were not as good as expected, SWAPCA sought to require more control equipment. We disagreed with SWAPCA's procedure and required it to determine what constituted advances in the art before making its approval. SWAPCA has since learned more about such emissions, and their control, based largely upon experience gained from the prior tire buffing installation. SWAPCA may learn from such experiences and is not frozen into an existing technology as new information comes to light.

III

Any Finding of Fact which should be deemed a Conclusion of Law is hereby adopted as such.

From these Conclusions the Board enters this

ORDER

Respondent's Order of Prevention, as applied to the proposed installation, is affirmed.

DATED this 9th day of October, 1978.

POLLUTION CONTROL HEARINGS BOARD

DAVE J. MOONEY, Chairman

Chris Smith
CHRIS SMITH, Member

David A. Akana
DAVID A. AKANA, Member

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